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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Beach et al.

Serial No: 09/016,869

Filed: 01/30/98

For: Antibodies to Cell-Cycle Regulatory
Protein p16

Art Unit: 1644

Attorney Docket No. GPCI-P10-071

Examiner: J. Roark

Assistant Commissioner of Patents
Washington, D.C. 20231

Declaration Under 35 U.S.C. §1.132 of David H. Beach

Sir:

I, David Beach of Boston, Massachusetts, hereby declare as follows:

1. I am a co-inventor of the above-mentioned application which teaches and claims antibodies to the cell cycle regulatory protein, such as p16, and uses thereof.
2. I understand that the Examiner has alleged that the invention as described and claimed in the above-identified application was described in part in the publication of Xiong et al., *Genes & Dev.* 7: 1572-1583, dated August, 1993.
3. Yue Xiong and Hui Zhang, co-authors of the *Genes & Dev.* publication, studied the disruption of cyclin D/p21/CDK/PCNA complexes and rearrangement of cyclin A and B complexes. Neither participated in the conception of the claimed antibodies. To the extent the subject publication describes antibodies to p16 and represents work carried out by either Yue Xiong or Hui Zhang, it is describing the experimental use of those antibodies rather than the conception of the antibodies.
4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title XVIII of the United States Code and that willful false statements may jeopardize the validity of this Application for Patent or any patent issuing thereon.

Dated: 7 Aug 02

David H. Beach
Signature: *David H. Beach*